

CIVIL CASE INFORMATION STATEMENT		Court of Appeal Case Number (if known) B242502
COURT OF APPEAL, <u>SECOND</u> APPELLATE DISTRICT, DIVISION <u>P</u>		CITY ATTORNEY FOR COURT USE ONLY 2012 JUL 19 PM 4:36
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): RONALD F. FRANK, ESQ. SBN 109076 BURKE, WILLIAMS & SORENSEN, LLP. 444 S. Flower Street, 24 th Floor Los Angeles, CA 90071 TELEPHONE NO.: (213) 236-0600 FAX NO. (Optional): (213) 236-2700 E-MAIL ADDRESS (Optional): rfrank@bwsllaw.com ATTORNEY FOR (Name): Defendant, CITY OF BURBANK		
APPELLANT: CITY OF BURBANK RESPONDENT: WILLIAM TAYLOR		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 300 S. Spring Street MAILING ADDRESS: Floor 2, N. Tower CITY AND ZIP CODE: Los Angeles, CA 90013 BRANCH NAME: Second Appellate District		
JUDGES (all who participated in case): Honorable John L. Segal Honorable John Shepard Wiley, Jr.		Superior Court Case Number: BC 422 252
NOTE TO APPELLANT: You must file this form with the clerk of the Court of Appeal within 10 days after the clerk mails you a notice that this form must be filed. You must attach to this form (1) a copy of the judgment or order being appealed that shows the date it was entered (see Cal. Rules of Court, rule 8.104 for definition of "entered"); and (2) proof of service of this form on all parties to the appeal. (CAUTION: An appeal in a limited civil case (Code Civ. Proc., § 85) may be taken ONLY to the appellate division of the superior court (Code Civ. Proc., § 904.2) or to the superior court (Code Civ. Proc., § 116.710 [small claims cases]).		

PART I – APPEAL INFORMATION**A. APPEALABILITY**

1. Appeal is from:

- ☒ Judgment after jury trial
☐ Judgment after court trial
☐ Default judgment
☐ Judgment after an order granting a summary judgment motion
☐ Judgment of dismissal under Code Civ. Proc., § 581d, 583.250, 583.360, or 583.430
☐ Judgment of dismissal after an order sustaining a demurrer
☐ An order after judgment under Code Civ. Proc., § 904.1(a)(2)
☐ An order or judgment under Code Civ. Proc., § 904.1(a)(3)–(13)
☐ Other (describe and specify code section that authorizes this appeal):

2. Does the judgment appealed from dispose of all causes of action, including all cross-actions between the parties?

☒ Yes ☐ No (If no, please explain why the judgment is appealable):

B. TIMELINESS OF APPEAL (Provide all applicable dates.)

1. Date of entry of judgment or order appealed from: 04 / 12 / 2012
2. Date that notice of entry of judgment or a copy of the judgment was served by the clerk or by a party under California Rules of Court, rule 8.104: 04 / 12 / 2012
3. Was a motion for new trial, for judgment notwithstanding the verdict, for reconsideration, or to vacate the judgment made and denied? ☒ Yes ☐ No (If yes, please specify the type of motion):
 Date notice of intention to move for new trial (if any) filed: 04 / 27 / 2012
 Date motion filed: 05 / 07 / 2012 Date motion denied: 06 / 06 / 2012 Date denial served: 06 / 06 / 2012
4. Date notice of ☒ appeal or ☐ cross-appeal filed: 06 / 29 / 2012

C. BANKRUPTCY OR OTHER STAY

Is there a related bankruptcy case or a court-ordered stay that affects this appeal? ☐ Yes ☒ No (If yes, please attach a copy of the bankruptcy petition [without attachments] and any stay order.)



7/10

APPELLATE CASE TITLE:
CITY OF BURBANK vs. WILLIAM TAYLOR

APPELLATE COURT CASE NUMBER:
B242502

D. APPELLATE CASE HISTORY *(Provide additional information, if necessary, on attachment I.D.)*

Is there now, or has there previously been, any appeal, writ, or other proceeding related to this case pending in any California appellate court? ☒ Yes ☐ No *(If yes, insert name of appellate court):*

Appellate court case no.: B226021

Title of case: City of Burbank v. Superior Court

Name of trial court: B229849 / B230175

Trial court case no.: BC 422252

E. SERVICE REQUIREMENTS

Is service of documents in this matter, including a notice of appeal, petition, or brief, required on the Attorney General or other nonparty public officer or agency under California Rules of Court, rule 8.29 or a statute? Yes ☐ No ☒ *(If yes, please indicate the rule or statute that applies):*

- | | |
|--|--|
| <input type="checkbox"/> Rule 8.29 (e.g., constitutional challenge; state or county party) | <input type="checkbox"/> Code Civ. Proc., § 1355 (Escheat) |
| <input type="checkbox"/> Bus. & Prof. Code, §16750.2 (Antitrust) | <input type="checkbox"/> Gov. Code, § 946.6(d) (Actions against public entities) |
| <input type="checkbox"/> Bus. & Prof. Code, § 17209 (Unfair Competition Act) | <input type="checkbox"/> Gov. Code, § 4461 (Disabled access to public buildings) |
| <input type="checkbox"/> Bus. & Prof. Code, § 17536.5 (False advertising) | <input type="checkbox"/> Gov. Code, § 12656(a) (False Claims Act) |
| <input type="checkbox"/> Civ. Code, § 51.1 (Unruh, Ralph, or Bane Civil Rights Acts; antiboycott cause of action; sexual harassment in business or professional relations; civil rights action by district attorney) | <input type="checkbox"/> Health & Saf. Code, § 19954.5 (Accessible seating and accommodations) |
| <input type="checkbox"/> Civ. Code, § 55.2 (Disabled access to public conveyances, accommodations, and housing) | <input type="checkbox"/> Health & Saf. Code, § 19959.5 (Disabled access to privately funded public accommodations) |
| | <input type="checkbox"/> Pub. Resources Code, § 21167.7 (CEQA) |
| | <input type="checkbox"/> Other <i>(specify statute):</i> |

NOTE: The rule and statutory provisions listed above require service of a copy of a party's notice of appeal, petition, or brief on the Attorney General or other public officer or agency. Other statutes requiring service on the Attorney General or other public officers or agencies may also apply.

PART II – NATURE OF ACTION

A. Nature of action *(check all that apply):*

1. ☐ Conservatorship
2. ☐ Contract
3. ☐ Eminent domain
4. ☐ Equitable action a. ☐ Declaratory relief b. ☐ Other *(describe):*
5. ☐ Family law
6. ☐ Guardianship
7. ☐ Probate
8. ☐ Real property rights a. ☐ Title of real property b. ☐ Other *(describe):*
9. ☒ Tort
 - a. ☐ Medical malpractice
 - b. ☐ Product liability
 - c. ☐ Other personal injury
 - d. ☐ Personal property
 - e. ☒ Other tort *(describe):* Employment retaliation
10. ☐ Trust proceedings
11. ☐ Writ proceedings in superior court
 - a. ☐ Mandate (Code Civ. Proc., § 1085)
 - b. ☐ Administrative mandate (Code Civ. Proc., § 1094.5)
 - c. ☐ Prohibition (Code Civ. Proc., § 1102)
 - d. ☐ Other *(describe):*
12. ☐ Other action *(describe):*

B. ☐ This appeal is entitled to calendar preference/priority on appeal *(cite authority):*

APPELLATE CASE TITLE:
WILLIAM TAYLOR vs. CITY OF BURBANK

APPELLATE COURT CASE NUMBER:
B242502

PART III – PARTY AND ATTORNEY INFORMATION

In the spaces below or on a separate page or pages, list all the parties and all their attorneys of record who will participate in the appeal. For each party, provide all of the information requested on the left side of the page. On the right side of the page, if a party is self-represented please check the appropriate box and provide the party's mailing address, telephone number, fax number, and e-mail address. If a party is represented by an attorney, on the right side of the page, check the appropriate box and provide all of the requested information about that party's attorney.

☒ Responses to Part III are attached instead of below

<p>Name of Party:</p> <p>Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent</p> <p>Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):</p>	<p><input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented</p> <p>Name of attorney:</p> <p>State Bar no:</p> <p>Firm name:</p> <p>Mailing address:</p> <p>Telephone no.: Fax no:</p> <p>E-Mail address:</p>
<p>Name of Party:</p> <p>Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent</p> <p>Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):</p>	<p><input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented</p> <p>Name of attorney:</p> <p>State Bar no:</p> <p>Firm name:</p> <p>Mailing address:</p> <p>Telephone no.: Fax no:</p> <p>E-Mail address:</p>
<p>Name of Party:</p> <p>Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent</p> <p>Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):</p>	<p><input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented</p> <p>Name of attorney:</p> <p>State Bar no:</p> <p>Firm name:</p> <p>Mailing address:</p> <p>Telephone no.: Fax no:</p> <p>E-Mail address:</p>
<p>Name of Party:</p> <p>Appellate court designation: <input type="checkbox"/> Appellant <input type="checkbox"/> Respondent</p> <p>Trial court designation: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (specify):</p>	<p><input type="checkbox"/> Represented by attorney <input type="checkbox"/> Self-represented</p> <p>Name of attorney:</p> <p>State Bar no:</p> <p>Firm name:</p> <p>Mailing address:</p> <p>Telephone no.: Fax no:</p> <p>E-Mail address:</p>

☐ Additional pages attached
Date: July 16, 2012

This statement is prepared and submitted by:

(SIGNATURE OF ATTORNEY OR SELF-REPRESENTED PARTY)
Robert J. Tyson, Attorneys for CITY OF BURBANK

SERVICE LIST
Taylor v. Burbank
LASC, Case No. BC422252
Appellate Case No: B242502

Gregory W. Smith, Esq. Law Offices of Gregory W. Smith 9100 Wilshire Blvd., Suite 345E Beverly Hills, CA 90212 Telephone: (310) 777-7894 Facsimile: (310) 777-7895	Attorneys for Plaintiff and Respondent, WILLIAM TAYLOR
Christopher Brizzolara, Esq. 1528 16th Street Santa Monica, CA 90404 Telephone: (310) 394-6447 Facsimile: (310) 656-7701	Attorneys for Plaintiff and Respondent, WILLIAM TAYLOR
Ronald F. Frank, Esq. Burke, Williams & Sorensen, LLP. 444 S. Flower Street, 24th Floor Los Angeles, CA 90071 Telephone : (213) 236-0600 Facsimile : (213) 236-2700	Attorneys for Defendant and Appellant CITY OF BURBANK
Linda Miller Savitt, Esq. Phillip L. Reznik, Esq. Ballard Rosenberg Golper & Savitt, LLP 500 North Brand Boulevard, 20 th Floor Glendale, CA 91203-9946	Attorneys for Defendant and Appellant CITY OF BURBANK
Amy Albano, City Attorney Carol A. Humiston, Sr. Asst. City Attorney 275 East Olive Avenue Post Office Box 6459 Burbank, CA 91510 Telephone: (818) 238-5707 Facsimile: (818) 238-5724	Attorneys for Defendant and Appellant CITY OF BURBANK

FILED
LOS ANGELES

APR 12 2012

JOHN A. CLARKE, CLERK
BY INGRID FLORES, DEPUTY

RECEIVED

MAR 21 2012

DEPT. 50

UNLIMITED JURISDICTION
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

WILLIAM TAYLOR,

Plaintiff,

vs.

CITY OF BURBANK and DOES 1 through
100, inclusive,

Defendants.

CASE NO. BC 422 252

[Assigned to the Hon. John L. Segal,
Judge, Dept. "50"]

JUDGMENT ON
GENERAL VERDICT

Action Filed: September 22, 2009
Trial: March 5, 2012

This action came on regularly for trial on March 5, 2012, in Department "50" of the Los Angeles County Superior Court, the Honorable John L. Segal, Judge presiding. Plaintiff William Taylor was personally present and appeared through his attorneys, Gregory W. Smith and Christopher Brizzolara. Defendant City of Burbank appeared through its attorneys, Ronald F. Frank of Burke Williams & Sorenson LLP and Linda Miller Savitt of Ballard, Rosenberg, Golper & Savitt.

A jury of twelve persons and two alternates was regularly impaneled and sworn. Witnesses were sworn and testified, and exhibits were identified and received into

1 evidence.

2 After hearing the evidence and arguments of counsel, the jury was duly instructed
3 by the court and the case was submitted to the jury with directions to return verdict on the
4 general verdict which was submitted to the jury. The jury deliberated and thereafter
5 returned into court on March 19, 2012 with its verdict, which said verdict was in words and
6 figures as follows, to wit:

8 We, the jury in the above entitled action, find the following general verdict:

9 "Select one of the following two options:

10
11 X We find in favor of William Taylor and against City of Burbank and award
12 damages to William Taylor in the following amounts:

13 economic damages amount of \$1,048,579.00

14 non-economic damages amount of \$250,000.00

15
16 We find in favor of City of Burbank and against William Taylor.

17
18 Signed: Laura Groen
19 Presiding Juror

20 Dated: 3/19/2012

21
22 After this verdict form has been signed, notify the court attendant that you are
23 ready to present your verdict in the courtroom."
24
25
26
27
28

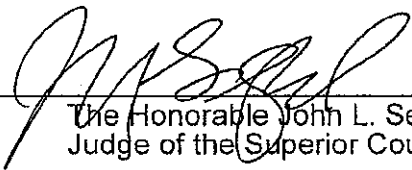
1 It appearing by reason of said general verdict that Plaintiff William Taylor is entitled
2 to judgment against Defendant City of Burbank.

3 **NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** that Plaintiff
4 William Taylor have judgment in his favor and recover from Defendant City of Burbank in
5 the amount of \$1,298,579.00 with interest thereon at the rate of seven (7%) percent per
6 annum from the date of the verdict until paid.

7
8 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff William
9 Taylor be granted the following injunctive relief pursuant to California Government Code §
10 12940:
11
12
13
14
15

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff William
17 Taylor is awarded costs in the amount of: \$ _____ and attorneys'
18 fees in the amount of \$ _____.

19
20 Dated: April 12, 2012

21 
22 The Honorable John L. Segal
23 Judge of the Superior Court
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action; my business address is 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : March 21, 2012

DOCUMENT SERVED : (PROPOSED) JUDGMENT ON GENERAL VERDICT

PARTIES SERVED : SEE ATTACHED SERVICE LIST.

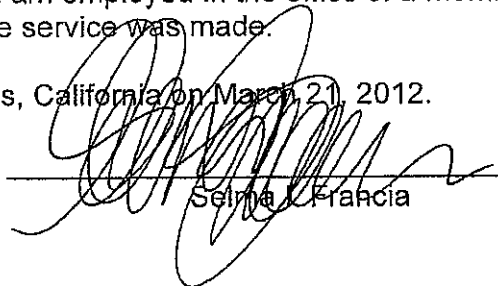
XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to **Christopher Brizzolara, Esq.** at the following e-mail address: samorai@adelphia.net.

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on March 21, 2012.


Selma J. Francia

SERVICE LIST

WILLIAM TAYLOR v. CITY OF BURBANK
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC 422 252

Christopher Brizzolara, Esq.
1528 16th Street
Santa Monica, California 90404
(By Electronic Mail Only)

Ronald F. Frank, Esq.
Robert J. Tyson, Esq.
Burke Williams & Sorenson LLP
444 South Flower Street, Suite 2400
Los Angeles, California 90071-2953

Amelia Ann Albano, City Attorney
Carol A. Humiston, Sr. Asst. City Atty.
Office of the City Attorney
City of Burbank
275 East Olive Avenue
Post Office Box 6459
Burbank, California 91510

Linda Miller Savitt, Esq.
Philip L. Reznik, Esq.
Ballard Rosenberg Golper & Savitt LLP
500 North Brand Boulevard, 20th Floor
Glendale, California 91203-9946

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/12/12

DEPT. 50

HONORABLE JOHN L. SEGAL

JUDGE

I. FLORES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

E. AVENA, C/A

Deputy Sheriff

NONE

Reporter

2:05 pm

BC422252

Plaintiff

NO APPEARANCE

Counsel

WILLIAM TAYLOR

VS

Defendant

NO APPEARANCE

CITY OF BURBANK

Counsel

RECUSAL-GREEN

170.6-ROLF M. TREU

NATURE OF PROCEEDINGS:

NOTICE OF ENTRY OF JUDGMENT:

Notice is hereby given that Judgment on General Verdict is signed and filed this date.

The clerk gives notice. A copy of the Judgment is sent along with a copy of this minute order.

CLERK'S CERTIFICATE OF MAILING/

NOTICE OF ENTRY OF ORDER

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 4/12/12, upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: 4/12/12

John A. Clarke, Executive Officer/Clerk

By: 

I. Flores, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 04/12/12

DEPT. 50

HONORABLE JOHN L. SEGAL

JUDGE

I. FLORES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

E. AVENA, C/A

Deputy Sheriff

NONE

Reporter

2:05 pm

BC422252

Plaintiff

NO APPEARANCE

Counsel

WILLIAM TAYLOR

VS

Defendant

NO APPEARANCE

CITY OF BURBANK

Counsel

RECUSAL-GREEN

170.6-ROLF M. TREU

NATURE OF PROCEEDINGS:

LINDA MILLER SAVITT

BALLARD ROSENBERG GOLPER & SAVITT, LLP

500 North Brand Boulevard, 20th Floor

Glendale, CA 91203

✓ RONALD F. FRANK

BURKE, WILLIAMS & SORENSEN, LLP

444 S. Flower Street, 24th Floor

Los Angeles, CA 90071

GREGORY W. SMITH

LAW OFFICES OF GREGORY W. SMITH

9100 Wilshire Boulevard, Suite 345E

Beverly Hills, CA 90212

CHRISTOPHER BRIZZOLARA

1528 16th Street

Santa Monica, CA 90404

PROOF OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953.

On July 16, 2012, I served a copy of the within document(s):

CIVIL CASE INFORMATION STATEMENT

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed OVERNITE EXPRESS envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to an OVERNITE EXPRESS agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 16, 2012, at Los Angeles, California.

/s/
Lisa J. Villarreal

SERVICE LIST
Taylor v. Burbank
LASC, Case No. BC422252
Appellate Case No: B242502

Gregory W. Smith, Esq. Law Offices of Gregory W. Smith 9100 Wilshire Blvd., Suite 345E Beverly Hills, CA 90212 Telephone: (310) 777-7894 Facsimile: (310) 777-7895	Attorneys for Plaintiff and Respondent, WILLIAM TAYLOR
Christopher Brizzolara, Esq. 1528 16th Street Santa Monica, CA 90404 Telephone: (310) 394-6447 Facsimile: (310) 656-7701	Attorneys for Plaintiff and Respondent, WILLIAM TAYLOR
Linda Miller Savitt, Esq. Phillip L. Reznik, Esq. Ballard Rosenberg Golper & Savitt, LLP 500 North Brand Boulevard, 20 th Floor Glendale, CA 91203-9946	Attorneys for Defendant and Appellant CITY OF BURBANK
Amy Albano, City Attorney Carol A. Humiston, Sr. Asst. City Attorney 275 East Olive Avenue Post Office Box 6459 Burbank, CA 91510 Telephone: (818) 238-5707 Facsimile: (818) 238-5724	Attorneys for Defendant and Appellant CITY OF BURBANK